

THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appl. No. : 09/744,035 Confirmation No.: 3031
Appellants : GYOZO BAKI
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Examiner : FOX, JOHN C.

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P.O. Box 1450
Alexandria, VA 22313

SUPPLEMENTAL RESPONSE TO NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF
UNDER 37 C.F.R. §41.37(c) (1) (v)

SIR:

In response to the Notice of the Dismissal of the Appeal mailed on April 29, 2008, Appellant submits a Supplemental Response to Notification of Non-Compliant Appeal Brief. The Supplemental Response is filed in response to the Notification of Non-Compliant Appeal Brief under 37 C.F.R. §41.37 dated October 10, 2007, having a shortened statutory period for reply that expired on November 10, 2007, which fell on a Saturday and the United States Patent Office observance of Veteran's Day on Monday, November 12, 2007, was extended to Tuesday, November 13, 2007, under 37 C.F.R. §1.7. Appellant's Supplemental Response contains concise explanation of all independent claims, referring to the specification by page and line numbers as needed, in compliance with 37 C.F.R. §41.37(c) (1) (v) .

SUMMARY OF CLAIMED SUBJECT MATTER

Claims 1-4 were cancelled without prejudice.

Appellant's independent claim 5 recites the following:

5. Valve battery cartridge used for mixing cold water and warm water, comprises two discs (5,6) arranged one above the other to form a plane sealing together (specification, page 4, line 23-page 5, line 17; page 7, lines 9-15; and, Fig. 1), wherein the lower disc (6) is a stationary inlet disc and the upper disc (5) is a control disc which is displaceable and rotatable on the inlet disc (Id.); where the control disc (5) is in mechanical connection with a driving arm (1) pivoted in a lever holder (2) through a ceramic moving element (4) (Id.), the lever holder (2) is rotatably arranged in a cartridge casing (3), the base (9) of the cartridge casing (3) is formed with a connection element (14) for receiving an interchangeable insertion piece (10) selected from at least three different insertion pieces (specification, page 4, line 23-page 5, line 22; page 7, lines 2-9, 12-21; page 8, lines 3-8; page 8, line 19-page 9, line 2; and, Figs. 2 and 3), wherein an opening for receiving any of the interchangeable insertion pieces in the connection element is formed in a direction which is

substantially parallel with a longitudinal axis of the cartridge (specification, page 4, line 23-page 5, line 17; page 8, line 19-page 9, line 20; and, Figs. 5-7), wherein the connection element (14) in the base (9) of the cartridge casing (3) receives any of the interchangeable insertion piece (10) which enables connection between connection ducts (13) in a valve battery body (12) and inlet openings (Id.), and wherein a longitudinal axis of the interchangeable insertion pieces is substantially parallel to the longitudinal axis of the cartridge in the base (9) and the base (9) is provided with seal means (11) insulating the connection element from an inner space of the valve battery body (12) (specification, page 4, line 23-page 5, line 17; page 9, lines 16-20; and, Figs. 4-7).

Appellant's independent claim 6 recites the following:

6. Battery cartridge for use in a battery body (12) for mixing cold and warm water comprising two discs (5,6) arranged one above the other and together forming a planar seal (specification, page 4, line 23-page 5, line 17), comprising a fixed inlet disc (6) and a control disc (5) which is displaceable and rotatable on the inlet disc (6) (specification, page 4, line 23-page 5, line 17; page 7, lines 9-15; and, Fig. 1), the control disc (5) comprising a

movement lever (1) rotatably mounted in a lever holder (2) and being mechanically connected via a ceramic drive (4) (specification, page 4, line 23-page 5, line 17; page 7, lines 5-9; and, Fig. 1), the lever holder (2) being rotatably arranged in a cartridge housing (3) at a lower part (9) of the cartridge housing (3) at a side opposing the inlet disc (6) and facing the battery body (12) (specification, page 4, line 23-page 5, line 22; page 7, lines 2-9, 12-21; page 8, lines 3-8; page 8, line 19-page 9, line 2; and, Figs. 2 and 3), a connecting element (14), of which inlet apertures substantially extend in a longitudinal direction of the cartridge housing (3) (specification, page 4, line 23-page 5, line 17; page 8, line 19-page 9, line 2; and, Figs. 5-7), and a replaceable insert (10) selected from at least three different replaceable inserts being arranged in a sealed manner in the connecting element (14) between connecting passages (13) constructed in the battery body (12) and the inlet apertures of the lower part (9) (specification, page 4, line 23-page 5, line 22; page 8, lines 3-8; page 8, line 19-page 9, line 20; and, Figs. 1 and 5-7), wherein the connecting element (14) encompasses the inlet apertures provided in the lower part (9) of the cartridge housing

(3), and the inlet apertures are sealed from one another by any of the replaceable inserts (specification, page 7, lines 12-15; page 8, line 19-page 9, line 2; page 9, lines 16-20).

Appellant's dependent claim 7 recites the following:
7. Battery cartridge according to claim 6, wherein seals (11) are arranged between the insert (10) and the lower part (9) and between one end of any of the inserts (10) and the battery body (12) for sealing the insert with the connection element (specification, page 7, lines 10-15; and, Fig. 1).

Appellant's independent claim 8 recites the following:
8. Valve battery cartridge used for mixing cold water and warm water, comprises two discs (5,6) arranged one above the other to form a plane sealing together (specification, page 4, line 23-page 5, line 17; page 7, lines 9-15; and, Fig. 1), wherein the lower disc (6) is a stationary inlet disc and the upper disc (5) is a control disc which is displaceable and rotatable on the inlet disc (Id.); where the control disc (5) is in mechanical connection with a driving arm (1) pivoted in a lever holder (2) through a ceramic moving element (4) (specification, page 4, line 23-page 5, line 17; page 7, lines 5-9; and, Fig. 1), the lever

holder (2) is rotatably arranged in a cartridge casing (3), the base (9) of the cartridge casing (3) is formed with a connection element (14) for selectively receiving different interchangeable insertion pieces (10) selected from at least three insertion pieces (specification, page 4, line 23-page 5, line 22; page 7, lines 2-9, 12-21; page 8, lines 3-8; page 8, line 19-page 9, line 2; and, Figs. 2 and 3), wherein an opening for receiving any of the interchangeable insertion pieces in the connection element is formed in a direction which is substantially parallel with a longitudinal axis of the cartridge (specification, page 4, line 23-page 5, line 17; page 8, line 19-page 9, line 20; and, Figs. 5-7), wherein the connection element (14) in the base (9) of the cartridge casing (3) receives any of the selected interchangeable insertion pieces (10) which enables connection between connection ducts (13) in a valve battery body (12) and inlet openings (Id.), and wherein a longitudinal axis of all of the interchangeable insertion pieces is substantially parallel to the longitudinal axis of the selected cartridge in the base (9) and the base (9) is provided with seal means (11) insulating the connection element from an inner space of the valve battery body (12) (specification, page 4, line 23-page 5, line 17; page 9,

lines 16-20; and, Figs. 4-7).

Appellant's independent claim 9 recites the following:

9. Battery cartridge for use in a battery body (12) for mixing cold and warm water comprising two discs (5,6) arranged one above the other and together forming a planar seal (specification, page 4, line 23-page 5, line 17), comprising a fixed inlet disc (6) and a control disc (5) which is displaceable and rotatable on the inlet disc (6) (specification, page 4, line 23-page 5, line 17; page 7, lines 9-15; and, Fig. 1), the control disc (5) comprising a movement lever (1) rotatably mounted in a lever holder (2) and being mechanically connected via a ceramic drive (4) (specification, page 4, line 23-page 5, line 17; page 7, lines 5-9; and, Fig. 1), the lever holder (2) being rotatably arranged in a cartridge housing (3) at a lower part (9) of the cartridge housing (3) at a side opposing the inlet disc (6) and facing the battery body (12) (specification, page 4, line 23-page 5, line 22; page 7, lines 2-9, 12-21; page 8, lines 3-8; page 8, line 19-page 9, line 2; and, Figs. 2 and 3), a connecting element (14), of which inlet apertures substantially extend in a longitudinal direction of the cartridge housing (3)

(specification, page 4, line 23-page 5, line 17; page 8, line 19-page 9, line 2; and, Figs. 5-7), and a selected replaceable insert (10) being arranged in a sealed manner in the connecting element (14) between connecting passages (13) constructed in the battery body (12) and the inlet apertures of the lower part (9) (specification, page 7, lines 12-15; page 8, line 19-page 9, line 2; page 9, lines 16-20), wherein the selected replaceable insert comprises an insert selected from at least three inserts of different functions which are interchangeable with the connecting element to provide different functions for the battery cartridge wherein the connecting element (14) encompasses the inlet apertures provided in the lower part (9) of the cartridge housing (3), and the inlet apertures are sealed from one another by any of the three replaceable inserts (specification, page 7, lines 12-15; page 8, line 19-page 9, line 2; page 9, lines 16-20).

Appellant's dependent claim 10 recites the following:
10. Battery cartridge according to claim 6, wherein seals (11) are arranged to seal between any of the three inserts (10) and the lower part (9) and between one end of any of the three inserts (10) and the battery body (12) (specification, page 7, lines 10-15; and, Fig. 1).

Appellant's multiple dependent claim 11 recites the following:

11. Valve battery cartridge according to claim 1 or 8, wherein each of the three interchangeable insertion pieces provide a different function (specification, page 8, line 22-page 9, line 3; page 9, lines 9-13).

Appellant's dependent claim 12 recites the following:
12. Valve battery cartridge according to claim 11, wherein one of the three interchangeable insertion pieces is a pressure equalizer insertion piece and another of the three insertion pieces is a reverting insertion piece (specification, page 8, line 22-page 9, line 3).

Appellant's dependent claim 13 recites the following:
13. Battery cartridge according to claim 6, wherein each of the three replaceable inserts provide a different function (specification, page 8, line 22-page 9, line 3; page 9, lines 9-13).

Appellant's dependent claim 14 recites the following:
14. Battery cartridge according to claim 13, wherein one of the replaceable inserts is a pressure equalizer insert and

another of the replaceable inserts is a reverting insertion piece (specification, page 8, line 22-page 9, line 3).

Appellant's dependent claim 15 recites the following:
15. Battery cartridge according to claim 9, wherein the at least three inserts of different function include a pressure equalizer insert and a reverting insert (specification, page 8, line 22-page 9, line 3).

CONCLUSION

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place the appeal brief in condition for consideration by the Board of Patent Appeals and Interferences. If the Patent Appeals Specialist has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Patent Appeals Specialist is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

If any fees are required in connection with this case, it is respectfully requested that they also be charged to Deposit Account No. 02-0184.

Respectfully submitted,

GYOZO BAKI

By /Ross J. Christie #47492/
Ross J. Christie
Attorney for Appellant
Reg. No. 47,492
Tel. (203) 777-6628 x. 116
Fax. (203) 865-0297

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